

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

William Soler Jr. pro se

Plaintiff(s)

v.

Case No. 1_20_CV_00517_PB

Christopher T. Sununu, et al.

Defendant(s)

MOTION TO/FOR reconsideration to appoint counsel / objection to no appointment of counsel

(enter title of motion)

This is an objection to the court's denial to appoint William Soler, Jr. counsel. I Wanda Duryea, am writing this on Mr. Soler's behalf. I am his legal guardian having been appointed on 3/3/21. I also have his power of attorney which I believe gives me standing to submit this objection.

The court noted that Mr. Soler appears to be capable of communicating his thoughts effectively based on his petition. I disagree with that characterization.

The Court has dismissed a number of his claims based on his failure to support said claims. As his guardian, I believe the court has overlooked fundamental facts regarding Mr. Soler and his ability to realistically represent himself in this matter. He has sued a number of state actors. Therefore, a man with serious mental illness would be litigating against the Attorney Generals' office. Such a "David vs. Goliath" scenario would leave Mr. Soler handicapped in any legitimate attempt to litigate his claims. I believe the following are relevant as to why counsel needs to be appointed for Mr. Soler.

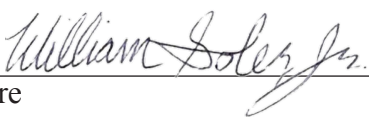
1. Mr. Soler has a remarkable history of serious mental illness. This mental illness resulted in him ultimately been deemed Incompetent to Stand Trial in an unrelated criminal matter. It cannot be logically or clinically reconciled that an individual with such a designation would ever be in a position to litigate a case in a federal court sans counsel. The court should not equate his bringing forth these claims with his ability to understand the statutes associated with these claims or the ability to coherently litigate them. Mr. Soler is an intelligent individual. However, his ability to organize his thoughts is challenged and a major manifestation his illness.
2. Mr. Soler receives a remarkable number of anti-psychotic medications to treat his symptoms. These medications have a profound impact on the ability to reason and

process complex information.

3. These claims are deeply personal to Mr. Soler. An adversarial proceeding would be an intellectual dynamic that would challenge his ability to regulate his emotions and remain focused on issues before the court. He would have no ability to coherently argue his claims.
4. This is a pro se petition from a seriously mentally ill individual. To not appoint counsel would nullify the very essence of being an indigent pro se petitioner. The courts need to be accessed by all, including vulnerable individuals. It may also impact Mr. Soler, Jr's ability to appeal.
5. Mr. Soler is currently civilly committed at New Hampshire Hospital and has been in state custody now for several years. He has no internet access and is considered indigent. He has no ability to retain counsel independently.
6. Denial of counsel for Mr. Soler, Jr is a guaranteed denial of justice. Therefore, I respectfully request that the court take this matter under reconsideration.

Enter text of motion using numbered paragraphs (explain what you want the court to do). The field will expand as you type.

Date: 2/19/2022


Signature

MEMORANDUM OF LAW

Pursuant to LR 7.1(a)(2), every motion shall be accompanied by a memorandum with citations to supporting authorities or a statement explaining why a memorandum is unnecessary.

- ☐ I have attached a supporting memorandum of law to this motion.
- ☐ I have NOT attached a memorandum of law because none is required (explain your reasoning below).

CONCURRENCES SOUGHT

Pursuant to LR 7.1(c), any party filing a motion other than a dispositive motion (a dispositive motion seeks an order disposing of one or more claims in favor of the moving party, for example, a motion to dismiss or a motion for summary judgment) shall certify to the court that a good faith attempt has been made to obtain concurrence/agreement in the relief sought. If concurrence is obtained, the moving party shall so note.

I certify the following (choose one):

- ☐ All parties have assented/agreed to this motion.
- ☐ I made a good faith attempt, but was unable to successfully obtain concurrence/agreement from all parties.
- ☒ I have NOT attempted to obtain concurrence/agreement because it is not required.

CERTIFICATE OF SERVICE

I hereby certify that this motion was served on the following persons on the date and in the manner specified below:

Person(s) served electronically (via ECF):

Person(s) served by mail. Please include address(es):

Person(s) served by hand:

Date of Service: _____

Signature: _____

Name: _____

Address: _____

Phone: _____

Email: _____